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Summary record of the first part (public)* of the 1603rd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 28 November 2017, at 3 p.m.

Chair: Mr. Modvig

Contents

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Report on follow-up to concluding observations

Consideration of communications under article 22 of the Convention (*continued*)

Report on follow-up to communications

Organizational and other matters (*continued*)

Report on follow-up to reprisals

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1603/Add.1.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Report on follow-up to concluding observations

1. **Mr. Hani** (Rapporteur for follow-up to concluding observations) said that States parties had shown a good level of compliance with the follow-up procedure and had been responsive to the Committee's reminder letters and public announcements, as had been the case with Israel and Venezuela. Initial reminder letters would be sent to Mongolia, the Philippines, and Turkey; second reminders would be sent to Congo, Guinea, Iraq, Jordan and Sierra Leone, whose follow-up reports were more than a year overdue, and a meeting would be requested with a representative of their permanent missions during the Committee's sixty-third session. In preparing lists of issues prior to reporting, the Committee took into account the extent to which its previous recommendations had been implemented. The level of participation by civil society and the national human rights institutions in the follow-up procedure remained low, although the participation of a police trade union and national human rights institution in the follow-up procedure for France had been encouraging.

2. The Committee had examined the follow-up reports of Azerbaijan; China, China (Hong Kong) and China (Macau); Denmark; France; Honduras; Israel; Liechtenstein; and Venezuela and had requested additional information in respect of the report of Ukraine. As from the current session, the Chair had started to issue a reminder about the follow-up procedure at the end of each State party review, including the request to submit an implementation plan, as provided for in the guidelines for follow-up to concluding observations. Tunisia had presented a detailed plan for the implementation of all recommendations, while Israel had informed the Committee of the implementation status of selected recommendations.

3. An analysis of the quality and extent of the information provided showed that, in 23 per cent of cases it was satisfactory and directly related to the recommendations, enabling the Committee to assess the extent of implementation; in 60 per cent of cases, the information was partly satisfactory and responded in part to the recommendations; and in 16 per cent of cases, the information was vague or incomplete and did not respond to the recommendations. There had been no cases of a recommendation being fully implemented, but in more than 41 per cent of cases the State party had taken substantive steps towards implementation, in 19 per cent of cases the State party had taken initial steps towards implementation, and in another 19 per cent of cases no action had been taken on implementation. Unfortunately, very few States parties responded to the Committee's requests for additional information after receipt of the first follow-up report.

4. The fact that many States parties submitted their follow-up reports in French and in Arabic posed a difficulty for the Committee because, while they could be submitted for translation into English, the process could be lengthy. He welcomed the good cooperation he had enjoyed with the country rapporteurs for the States parties concerned. It would be important to carry out an analysis of the reasons why the Committee's recommendations had not been implemented, which, in his view, included a lack of political will, the need for legislative changes and the fact that they concerned requests for details on individual cases or statistics.

5. **Ms. Belmir** said that she would be grateful if the Rapporteur could provide a written report, which would make it easier to compare the situation from one session to the next.

Consideration of communications under article 22 of the Convention (*continued*)

Report on follow-up to communications

6. **Ms. Pradhan-Malla** (Rapporteur for follow-up to communications), presenting the draft follow-up report on decisions relating to communications submitted under article 22 of the Convention, said that 12 cases were currently being followed up, but 4 could now be

closed. Measures were ongoing in two cases, and the Committee's decisions had not been implemented in the remaining six.

Communication No. 477/2011: Aarrass v. Morocco

7. The State party had been requested to share the measures that it had taken to implement the Committee's decision. The secretariat recommended keeping the follow-up dialogue open and requesting a meeting with a representative of Morocco to the United Nations at Geneva to discuss possible measures by the State party's authorities to implement the Committee's decision.

Communication No. 490/2012: E.K.W. v. Finland

8. The complainant's counsel had agreed to close the follow-up dialogue, as her clients had been recognized as refugees in Finland. The secretariat therefore recommended closing the follow-up dialogue with a note of satisfactory resolution.

Communication No. 500/2012: Ramírez et al. v. Mexico

9. The State party had informed the Committee that a number of measures had been taken, and its submission had been transmitted to the complainant's counsel for comments. The secretariat recommended keeping the follow-up dialogue open and requesting a meeting with the Ambassador and Permanent Representative of Mexico to the United Nations at Geneva to discuss possible measures to implement the Committee's decision.

Communication No. 573/2013: D.C. and D.E. v. Georgia

10. The State party had submitted a report on the measures undertaken to implement the Committee's decision. The complainants had reported that, although they had been released and pardoned, the charges and conviction had been unfair, biased and falsified, as they had been exposed to forced medication and torture. The complainants' comments had been transmitted to the State party for observations. The secretariat recommended keeping the follow-up dialogue open and considering further steps in light of the Government's response.

Communication No. 580/2014: F.K. v. Denmark

11. The State party had not made any additional observations in respect of the complainant's submission that his application for a residence permit had been rejected and he had been told to leave Denmark immediately. The secretariat thus recommended keeping the follow-up dialogue open and requesting a meeting with a representative of the Permanent Mission of Denmark in Geneva, which would probably take place the following week.

Communication No. 606/2014: Ennaâma Asfari v. Morocco

12. Although an investigation of the complainant's allegations of torture had been undertaken, he had been sentenced once again, reportedly on the basis of the initial confession extracted under torture. The secretariat recommended continuing the follow-up dialogue and requesting a meeting with a representative of Morocco to the United Nations at Geneva to discuss possible measures by the State party to implement the Committee's decision.

Communication No. 625/2014: G.I. v. Denmark

13. The State party had submitted that, in September 2017, the Refugee Appeals Board had decided to reopen the complainant's asylum case and to suspend the time limit for his departure but had then been notified that the complainant had returned voluntarily to Pakistan in July 2015. The Board had thus decided to discontinue the proceedings. The secretariat recommended closing the follow-up dialogue.

Communication No. 634/2014: M.B., A.B. et al. v. Denmark

14. The complainant's counsel had commented on the State party's submission of March 2017, arguing that the applicant had been diagnosed with post-traumatic stress disorder and had difficulties remembering and giving an account of the events. No further updates had been received from the counsel. The secretariat recommended continuing the follow-up dialogue and requesting a meeting with the Ambassador and Permanent Representative of Denmark to the United Nations at Geneva.

Communication No. 651/2015: Ushenin v. Kazakhstan

15. According to the State party, the case had been re-examined by the court, which had concluded that the charges against the complainant had been based on a combination of evidence, including the victim and witness testimony and material evidence. The higher courts had concluded that there had been no violations of the law that would require revision of the verdict on appeal. The complainant had reportedly been released from prison in February 2017. The State party's submission had been transmitted to the complainant's counsel for comment. The secretariat recommended continuing the follow-up dialogue.

Communication No. 682/2015: Abdul Rahman Alhaj Ali v. Morocco

16. According to the State party's observations, the complainant enjoyed all procedural safeguards as a detainee. However, according to the complainant's counsel, he remained in indefinite detention despite the Committee's decision of August 2015, without the possibility of challenging the lawfulness of his detention. The Committee had requested the State party to provide further information on the measures taken to implement its decision. The secretariat recommended continuing the follow-up dialogue and requesting a meeting with a representative of Morocco to the United Nations at Geneva.

Communication No. 747/2016: H.Y. v. Switzerland

17. According to the State party, the complainant had been released from extradition detention in August 2017. The State party had informed Turkey, the requesting State, that the extradition of the complainant to his country of origin could not be carried out and that the complainant's remaining criminal sentence could be served in Switzerland if Turkey agreed. The complainant therefore no longer faced a risk of extradition to Turkey. The State party's submission had been transmitted to the complainant's counsel. The secretariat recommended continuing the follow-up dialogue and, subject to the counsel's comments, closing the case with a note of satisfactory resolution.

Communication No. 639/2014: N.A.A. v. Switzerland

18. The State party had submitted that the complainant had been granted temporary admission and that the Committee's decision had thus been implemented. The complainant's counsel had confirmed that he had received temporary admission, although individuals in similar circumstances had previously been granted refugee status. Since the complainant could not be removed, the decision had de facto been implemented. The secretariat recommended closing the follow-up dialogue with a note of satisfactory resolution.

19. **Mr. Heller Rouassant** said that there did not appear to be a consistent approach in the follow-up recommendations from the secretariat when it came to requesting meetings with representatives of the State party: in some cases the reference was simply to "a representative of the State party", while in others it was a "representative of the permanent mission" or "the ambassador".

20. **Ms. Gaer** said that she had expressed concern in the past about the lack of consistency in the recommendations made by the various treaty bodies on communications, but the matter had never been properly addressed. It was a good policy to take a case-specific approach, but it was important to be consistent when cases were very similar.

21. **Mr. Touzé** said that a preliminary task for the Rapporteur and the secretariat might be to check the consistency and relevance of the recommendations made in the follow-up report.

22. **Mr. Machon** (Office of the United Nations High Commissioner for Human Rights) said that it was generally recommended to request a meeting with a representative of the permanent mission in three different situations: if there had been no meaningful implementation of the Committee's decision, despite several rounds of comments by the State party and the counsel; if there had been reprisals; or if the State party had openly stated that it would not implement the decision.

23. **Ms. Pradhan-Malla** said that, depending on the context and seriousness of the case, meetings were requested with different State party representatives, but in general every effort was made to follow a standardized approach.

24. **The Chair** said he took it that the Committee wished to adopt the follow-up report and approve the recommendations of the secretariat as contained therein.

25. *It was so decided.*

Organizational and other matters (*continued*)

Report on follow-up to reprisals

26. **Mr. Bruni** (Rapporteur on reprisals) said that he had not received any information on reprisals concerning the reporting procedure.

The public part of the meeting rose at 3.45 p.m.